REMARKS/ARGUMENTS

Reconsideration and allowance are respectfully requested.

Claims 1-6 and 8-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,771,038 to Wang ("Wang"). Claims 37-52 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,239,305 to Nakano, et al. ("Nakano"). Claims 43 and 51 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakano in view of U.S. Patent No. 6,842,169 to Griffin, et al. ("Griffin"). Applicants respectfully traverse these rejections.

Independent Claim 1

Independent claim 1 recites a sensor configured to sense a physical input, and a selector. Depending upon the state of the selector, a navigation control will move in accordance with either a first navigation mode or a second navigation mode.

The Office Action specifically asserts the fifth embodiment of Wang (Fig. 13), which has two touch panels 122 and 123. It appears that the Office Action may be comparing the recited sensor with touch panel 122. However, Wang does not teach or suggest the claimed selector, at all.

It appears that the Office Action may instead be comparing the selector with the user's ability to choose between interacting with either one of the two touch panels 122, 123. However, this does not mean that the embodiment of Fig. 13 has an actual element that acts as a selector as claimed. Moreover, and as correctly indicated by the Office Action, touch panel 122 is used for moving a cursor, and touch panel 123 is used for manipulating a different type of display change, such as picture brightness. Thus, even if the user selected between the two touch panels, the user would select between cursor movement and picture brightness adjustments, *not* between two different navigation modes as claimed. The adjustment of picture brightness has nothing to do with movement of a cursor and is thus not related to a navigation mode as claimed.

Claim 1 further recites that the navigation control moves at difference sensitivies to the same physical input, depending upon the navigation mode. If the Office Action is comparing the two navigation modes with the user's ability to use either one of the touch panels 122, 123, then

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this is not the same physical input. In other words, physical input to touch panel 122 is, by definition, different from physical input to touch panel 123.

The Office Action also confusingly refers to the fact that the touch panels in Wang are resistive touch panels that provide a voltage difference between two sides of a touch panel and thus make different resistance values generated at different locations. Wang, col. 7, lines 24-30. This is simply referring to how the conventional resistive touch panels work. If the user touches one position on a touch panel, then a particular set of resistances/voltages are read out to indicate where the user is touching. If the user touches another position, then another set of resistances/voltages are read out indicating a new position. The change in resistance and/or voltage in one of the touch panels simply indicates where the user is touching but has nothing to do with sensitivity of movement of a navigation control across a screen that depends on which of two modes is selected.

For at least these reasons, it is submitted that claim 1 is allowable over Wang.

Independent Claim 37

Independent claim 37 recites a sensor configured to sense a physical input, and a selector. Depending upon the state of the selector, movement of a displayed navigation control is controlled at either a first sensitivity or a second sensitivity depending upon whether the selector is in a first state or a second state.

To the extent that Nakano can (it was clearly translated from a foreign language), a first operational mode allows the user to select a displayed item (e.g., a menu, a button, or an icon). A second operational mode provides a marker display function. Nakano, abstract, col. 3, lines 4-17. However, Nakano fails to teach or suggest that the two operational modes cause movement of a displayed control at different sensitivies. If the Examiner disagrees, Applicants respectfully request that the Examiner indicate precisely where Nakano discloses navigation control movement at two different sensitivities based on two different modes or states.

For at least these reasons, it is submitted that claim 37 is allowable over Nakano.

Independent Claim 45

It is submitted that independent claim 45 is also allowable over Nakano for at least

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similar reasons as discussed above with regard to claim 37.

Dependent Claims

The dependent claims are also allowable by virtue of depending from allowable independent claims, and further in view of the additional features recited therein.

For example, claim 40 recites that the selector is an angular sensor configured to sense an angle of the pointing device, and wherein the first state is associated with a first angle of the apparatus and the second state is associated with a second angle of the apparatus. Curiously, the Office Action refers to the figures in Nakano, which do indeed show a pen tilted against a touch panel, which is how a user would normally hold a pen. But this does not mean that Nakano can distinguish between various tilts, much less change modes *based on* the amount of tilt.

As another example, claim 42 recites that the apparatus is configured to translate upon a surface, and that the selector is responsive to pressure applied to the apparatus against a surface, the selector configured to be in either the first state or the second state depending upon an amount of the pressure. The Office Action asserts that Nakano discloses a touch-sensitive panel. Applicants agree that the touch-sensitive panel senses touch. But the touch-sensitive panel is not configured to translate upon a surface. Even if the user were to slide the entire touch-sensitive panel across a table top, for example, there is no way for the touch-sensitive panel to detect how much pressure is being applied to the apparatus against the table top. Moreover, Nakano fails to teach or suggest selecting between two states or modes depending upon an *amount* of pressure, as claimed. Nakano either senses touch or no touch. However, the lack of touch is not an "amount" of pressure; it is an utter lack of pressure. Thus, Nakano cannot distinguish between different amounts of pressure.

Conclusion

All rejections having been addressed, Applicant submits that the present application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is invited to contact the undersigned at the number below.

Respectfully submitted,

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Dated: October 29, 2007

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